

REMARKS

By the 2 May 2006 *Final Office Action*, Claims 1-27 are pending in this Application, and all stand rejected. In response, Applicant submits this response and requests continued examination pursuant to 37 CFR § 1.114.

Applicants file this *Response* in an effort to move this case to allowance. No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

I. Application Prosecution History

For the Examiner's convenience, Applicant apprises the Examiner of the current status of this application (since it appears based on the PAIR records that a new Examiner has been assigned to the Application). The Application was filed on 9 August 2001 and Examiner El-Hady allowed the Application in a 21 November 2005 Allowance Notice. Examiner El-Hady at this time also entered amendments to the claims by an Examiner's amendment; the above claim listing includes these claim amendments. Examiner El-Hady's amendments placed the Application into condition for Allowance.

In response to the Allowance Notice, Applicant submitted a Request for Continued Examination ("RCE") in December 2005. The RCE included several information disclosure statement ("IDS") submissions. This was done in further compliance with 37 CFR § 1.56. In response to the RCE & IDS submissions, the 2 May 2006 *Final Office Action* was issued. Applicant submits the present *Response* with another RCE to respond to the 2 May 2006 *Final Office Action*.

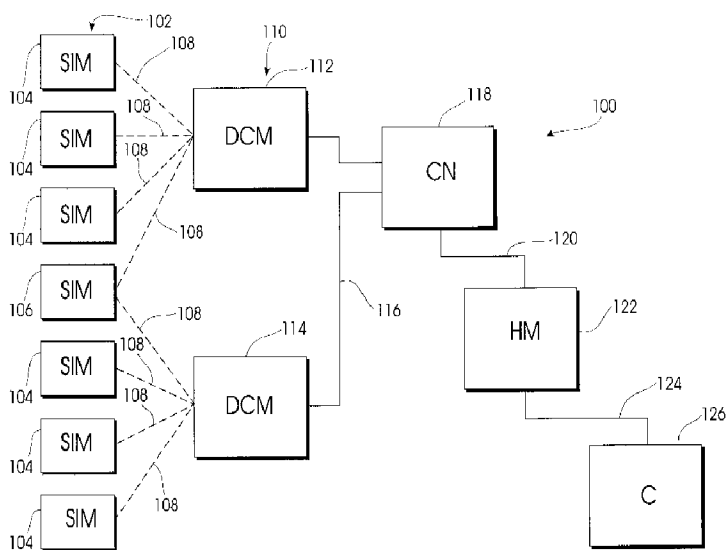
II. Claim Rejections and Pending Claims

In the *Final Office Action*, the Examiner rejects Claims 1-27 variously under 35 U.S.C. § 103(a). More specifically, Claims 1-6 and 8-26 are rejected as unpatentable in view of a combination of *Cunningham* (USPN 6,124,806) and *Kahn* (1977 IEEE Publication); and Claims 7 and 27 are rejected as unpatentable in view of *Cunningham*, *Kahn*, and *Jil* (1982 IEEE Publication). Applicant submitted the *Kahn* and *Jil* references in the December 2005 IDS submissions.

III. 35 U.S.C. § 103(a) Rejections

Applicant respectfully asserts that the pending claims are allowable over the cited combinations for at least several reasons. As MPEP § 2143 provides, a *prima facie* case of obviousness requires three findings. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art must teach or suggest all the claim limitations. Here, the cited references do not support a *prima facie* case of obviousness because the combination does not teach each and every claimed element and limitation.

Cunningham discloses a system that includes multiple sensor interface modules (SIMs) for monitoring remote devices, as shown below. The SIMs transmit remote device information to at least one data collection module (DCM), and the DCM transmits information to a host system (or host module(HM)). The SIMs include hardware sensors for the monitored devices, computerized monitoring systems, power supplies, and transmitters.



However, *Cunningham's* SIMs do not include receivers or transceivers that allow the SIMs to receive information from or communicate with other SIMs. That is, a SIM can not directly communication with another SIM or a SIM can not communicate with another SIM using an intermediate SIM in a communication path

The Examiner acknowledges this shortcoming of *Cunningham* in the Final Office Action. Indeed, the Examiner states: “*Cunningham* does not explicitly disclose each communication path comprising one or more communication devices involved in the communication link between the transceiver and each of the plurality of communication devices.” The Examiner then cites *Robert* as teaching the claimed limitation that *Cunningham* does not teach.

Applicant respectfully asserts, however, that *Robert* does not cure the deficiencies associated with Cunningham. In particular, while *Robert* may disclose certain concepts related to Applicant's claimed invention, the *Cunningham-Robert* combination fails to teach or fairly suggest the claim limitations previously added in the Examiner's Amendment.

That is *Cunningham-Robert* combination does not teach or fairly suggest the claimed advantageous features of managing communication with each of the plurality of communication devices, via a first communication protocol, based on one or more communication paths for each of the plurality of communication devices ***and the identification of each of the plurality of communication devices in the one or more communication paths*** as claimed by Applicant (See Claims 1, 15, and 23 and Examiner's 21 November 2005 Amendment for exact claim language).

Because the Examiner added this limitation to make the Application allowable, Applicant is unsure why the *Final Office Action* does not discuss or reference this claim limitation. Indeed, the *Final Office Action* does not state that any of the references, either individually or collectively, teach or suggest this claim limitation, which again was added by Examiner El-Hady. Thus, because the references of record fail to teach or fairly suggest this claimed feature, the currently pending claims are allowable over the references of record for at least this reason. In addition, because the *Final Office Action* fails to mention this claimed limitation, the next Office Action can not be final and should be a Notice of Allowance.

The pending claims are also allowable over the cited references for additional reasons. While the Examiner conclusory states that one of ordinary skill in the art would combine *Cunningham* and *Robert*, the Examiner fails to take *Robert's* disclosure as a whole. Indeed, *Robert* teaches away from such a combination.

That is *Robert* specifically teaches that *Robert's* repeaters are limited in their functional capacity. More specifically, *Robert* teaches against providing "smart" repeaters having various functional capacities that embodiments of Applicant's claimed invention includes. More specifically, *Robert* states: "One could envision [a network] where increased capability is resident in the repeater. The intent here, however, *is to keep to a practical minimum all the functions that a repeater performs and to delegate the rest to the stations.*" (Page 171, emphasis added). That is, *Robert* only discloses simple, function limited repeaters. Such disclosure by *Roberts* weighs against a motivation to combine the references. In addition, the Examiner

provides no reasonable expectation of success that Applicants' claimed invention would result from the cited combination as required by MPEP § 2143.

Applicants, therefore, respectfully assert that the pending independent claims and their respective dependent claims are allowable over the cited references. Withdrawal of the § 103 rejection is respectfully requested.

IV. Fees and Express Request for Continued Examination & Extension of Time

Applicants believe no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response* is being filed within six months of the *Final Office Action*. Thus, Applicants petition under 37 CFR § 1.136 for a three-month extension of time. Applicant submits the small entity fee (\$510) for the three month extension via EFS-Web.

This *Response* is also being filed with an RCE request. Thus, applicant respectfully requests continued examination under 37 CFR 1.114. Applicant submits the present *Response* as the RCE submission and also submits the small entity RCE fee (\$395) via EFS-Web.

No other fees are believed due. Nonetheless, the Commissioner is authorized to charge Deposit Account No. 20-1507 should additional fees be due to keep the Application pending before the USPTO.

V. Conclusion

This *Response* is believed to be a complete response to the *Final Office Action* mailed 2 May 2006 and also an appropriate RCE Request. Applicant respectfully asserts that the currently pending claims are in condition for allowance and respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

TROUTMAN SANDERS LLP

/jameshuntYanceyjr53809/
James Hunt "Hunter" Yancey, Jr.
USPTO Reg. No. 53,809

TROUTMAN SANDERS LLP
600 Peachtree Street, N.E., Suite 5200
Atlanta, Georgia 30308-2216
P: 404.885.3696
E: hunter.yancey@troutmansanders.com
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